

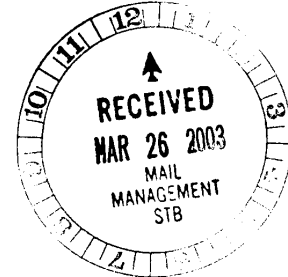
107463

Freeborn & Peters

March 26, 2003

VIA FEDERAL EXPRESS

Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



Attorneys at Law

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Suite 3000
Chicago, Illinois
60606-6677
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Michael A. Smith
Senior Counsel
Direct 312 360 6724
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msmith@
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**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 403X);
The Burlington Northern and Santa Fe Railway Company
Abandonment of Wichita, Kansas Trackage and between Wichita
and Valley Center, Kansas***

Dear Secretary Williams:

In regards to the letter from Chris Cherches, from the City of Wichita, dated March 21, 2003, The Burlington Northern and Santa Fe Railway fully supports the issuance of a notice of interim trail use pursuant to 16 U.S.C. § 1247(d).

Sincerely,

Michael A. Smith

Chicago

Springfield

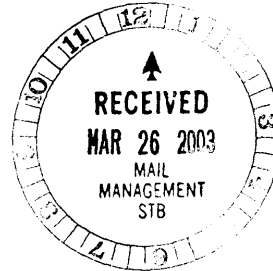
cc: Chris Cherches
The City of Wichita City Manager's Office
City Hall, 13th Floor
455 North Main
Wichita, KS 67202-1615

Alan Morrison
Associate Planner
Wichita-Sedgwick County Metropolitan Area Planning Department
City Hall, 10th Floor
455 North Main
Wichita, KS 67202-1688

ENTERED
Office of Proceedings

MAR 26 2003

Part of
Public Record



March 21, 2003

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

ENTERED
Office of Proceedings

MAR 26 2003

**Part of
Public Record**

Re: Burlington Northern Santa Fe Railway Company Abandonment Exemption—In the Wichita, Kansas, Trackage and between Wichita and Valley Center, Kansas. STB Docket No. AB-6 (Sub No. 403X).

Dear Secretary Williams:

The City of Wichita submits this letter pursuant to 49 C.F.R. 1152.29 requesting the issuance of a Notice of Interim Trail Use ("NITU") in the captioned proceeding. Specifically, the City of Wichita is requesting an NITU for the following Burlington Northern Santa Fe rights-of-way near Wichita, Kansas.

The property extends from railroad milepost 494.22 at the Butler County/Sedgwick County line, westward to railroad milepost 504.00 near Hydraulic Street, in downtown Wichita, Kansas, a distance of 9.78 miles, in Wichita, Kansas, and Sedgwick County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub No. 403X).

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. 1152.29, the City of Wichita is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability in which case it need only indemnify BNSF against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Burlington Northern Santa Fe Railway Company with respect to that portion of the right-of-way in Sedgwick County, Kansas, and described in the preceding paragraph of this letter.

A map depicting the right-of-way is attached.

The City of Wichita acknowledges that the use of the rights-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

City Manager's Office

City Hall • 13th Floor • 455 North Main • Wichita, Kansas 67202-1615

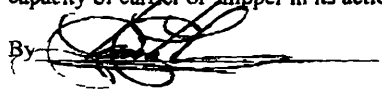
T 316 268 4351 F 316.268.4519

www.wichitagov.org

Request for Waiver of Filing Fees.

The City of Wichita requests that filing fees be waived under 49 CFR 1002.2(f)(27) and Surface Transportation Board Decision STB Ex Parte No. 542 (Sub-No.6), for the requested Notice of Interim Trail Use for Central Kansas Railway, L.L.C. Abandonment Exemption - STB Docket No. AB-6 (Sub No. 403X).

The City of Wichita is a local government entity within the State of Kansas, acting in the public interest. The City of Wichita does not own, or propose to own a carrier, nor is it acting in the capacity of carrier or shipper in its actions before the Board.

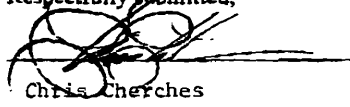
By 
Chris Cherches

On behalf of the City of Wichita

City of Wichita
455 N. Main
Wichita, KS 67202

By my signature below, I certify service upon Burlington Northern Santa Fe Railway Company, at 2600 Lou Menk Drive, 2nd Floor, Fort Worth, Texas 76131, by U.S. Mail; postage prepaid, first class, this 21st day of March, 2003.

Respectfully submitted,



Chris Cherches

On behalf of the City of Wichita.

City of Wichita
455 N. Main
Wichita, KS 67202

Freeborn & Peters

Attorneys at Law

311 South Wacker Drive
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Chicago, IL 60606-6677
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FAX COVER SHEET

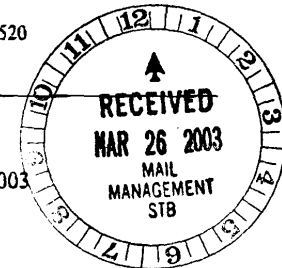
PLEASE DELIVER TO

Vernon Williams
The Surface Transportation Board
(202) 565-9004

DATE

March 26, 2003

TIME



SENT FROM

Brian Nettles
direct dial: 312.360.6336
return fax: 312.360.6596

TOTAL PAGES WITH COVER

5

CLIENT/MATTER NO.

MESSAGE

Enclosed is BNSF's response to the letter from the City of Wichita regarding the issuance of a notice of interim trail use for the for the Wichita, KS and the Wichita, KS to Valley Center, KS abandonment, AB-6 (Sub-No. 403X).

OTHER OFFICES

217 East Monroe Street
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Springfield, IL 62701-1147
217.535.1060
Fax 217.535.1069

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